

**APPENDIX M
COMMENTS AND RESPONSES
ON THE DRAFT EA**

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SUMMARY OF COMMENTS¹
DRAFT EA - FORT PECK MINI TEST

1. Commenting Agencies

- State of Missouri Department of Natural Resources
- North Dakota State Water Commission
- Montana Fish, Wildlife, and Parks (two letters)
- Montana Department of Natural Resources and Conservation
- Richland County
- McCone County

2. Commenting Municipalities

- no written comments on draft EA

3. Commenting Public Groups

- BOMMM Joint Water Resource Board
- Missouri Levee & Drainage District
- McCone Conservation District

4. Commenting Tribes

- no written comments on draft EA

5. Public Comments

<u>Sent From</u>	<u>Form 1²</u>	<u>Form 2³</u>	<u>Form 3⁴</u>	<u>Letter</u>	<u>Form 4⁵</u>
Cartwright, ND				X	
Langdon, ND	X				
Lakota, ND	X				
Hampsclew, ND	X				
Bainville, MT		X			
Culbertson, MT			X		
Mandan, ND	X				
Fairfield, ND	X				
Brocket, ND	X				
Langdon, ND	X				
Thief River Falls, MN	X				
Sidney, MT		X			

¹ requests for additional copies of the document are not considered comments

² form beginning "Comment Questionnaire"

³ form beginning "It is VERY important...."

⁴ form beginning "I am requesting an extension...."

⁵ form beginning "I, along with others of the Fort Peck area..."

Brockton, MT		X	
Fairview, MT	X		
Richy, MT	X		
Richy, MT	X		
Fairview, MT	X		
Fairview, MT	X		
Nashua, MT		X	
Nashua, MT		X	
Fairview, MT		X	
Fairview, MT		X	
Fairview, MT		X ⁶	
Culbertson, MT	X		
Culbertson, MT	X		
Culbertson, MT	X		
Culbertson, MT	X		
Culbertson, MT		X	
Glasgow, MT		X	
Fairview, MT		X	
Sidney, MT			X
Fairview, MT (4 sigs ⁷)			X
Fairview, MT (2 sigs)			X
Wolf Point, MT (2 sigs)			X
Poplar, MT (2 sigs)			X
Fairview, MT (5 sigs)			X
Sidney, MT			X
Froid, MT			X
Dagmar, MT (2 sigs)			X
Sidney, MT			X
Nashua, MT (4 sigs)			X
Sidney, MT (2 sigs)			X
Sidney / Fairview MT (4 sigs)			X
Williston, ND			X
Fairview, MT (2 sigs)			X
Burlington, ND	X		
Bakersfield, CA			X
Brockton, MT (2 sigs)			X
Williston, ND (5 sigs)			X
Sidney, MT			X
Williston, ND (2 sigs)			X
Williston, ND	X		
Santa Rosa, CA			X
Fairview, MT (25 sigs)			X
Fairview, MT (2 sigs)			X
Wolf Point, MT (2 sigs)			X

⁶ on old yellow scoping comment form

⁷ indicates number of signatures on form

Froid, MT		X
Williston, ND (2 sigs)		X
Williston, ND (2 sigs)		X
Fort Peck, MT	X	
Williston, ND (2 sigs)		X
Wolf Point, MT (4 sigs)		X
Wolf Point, MT (3 sigs)		X
Wolf Point, MT (3 sigs)		X
Williston, ND (2 sigs)		X
Idaho Falls, ID; Rigby, ID; Pasco, WA (4 sigs)		X
Idaho Falls, ID; Pasco, WA (4 sigs)		X
Idaho Falls, ID (4 sigs)		X
Fairview, MT; Sidney, MT (41 sigs)		X
Fairview, MT; Cartwright, ND (28 sigs)		X
Williston, ND		X
Wolf Point, MT; Vick, MT (4 sigs)		X
Williston, ND (3 sigs)		X
Williston, ND (3 sigs)		X
Williston, ND (2 sigs)		X
Brockton, MT (2 sigs)		X
Williston, ND (2 sigs)		X
Brockton, MT; Poplar, MT; Lambert, MT (9 sigs)		X
Williston, ND (2 sigs)		X
Wolf Point, MT (4 sigs)		X
Logan, MT (2 sigs)		X
Poplar, MT (2 sigs)		X
Nashua, MT (2 sigs)		X
Bainville, MT (5 sigs)		X
Brockton, MT		X
Williston, ND		X
Wolf Point, MT (2 sigs)		X
Williston, ND (2 sigs)		X
Williston, ND (2 sigs)		X
Williston, ND (2 sigs)		X
Williston, ND (5 sigs)		X
Fairview, MT		X
Fairview, MT		X
Circle, MT (4 sigs)		X
Lambert, MT		X
Nashua, MT (4 sigs)		X
Wolf Point, MT (4 sigs)		X
Fairview, MT (2 sigs)		X
Fairview, MT (2 sigs)		X
Wolf Point, MT		X
Wolf Point, MT		X
Brockton, MT (2 sigs)		X



North Dakota State Water Commission

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TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://www.swc.state.nd.us/>

May 10, 2002

Ms. Rebecca Latka
U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE
106 South 15th Street
Omaha, NE 68102-1618

Dear Ms. Latka:

The State Water Commission continues to be interested in the Fort Peck Flow Modification Tests and their possible effects on the North Dakota portion of the Fort Peck Reach. We have received and reviewed the *Draft Environmental Assessment, Fort Peck Flow Modification, Mini-Test* and wish to offer the following comments.

Page 10:

The *Bismarck Tribune* is listed twice, but one lists the location as Valley City, North Dakota. If it actually was the Valley City Times Record, why was a notice posted so far from Missouri River? The television station listed as KBOM in Bismarck, North Dakota, should probably be KXMB.

Page 36, Map 3: Proposed Critical Habitat – Missouri River Below Fort Peck Dam

Unable to determine those areas marked as "Critical Habitat." Perhaps indicator arrows pointing out the critical habitat would help clarify.

Page 42, Water Supply Paragraph:

Notes that a municipal or rural water intake is located at Williston, Montana. It should be listed as Williston, North Dakota.

Page 42, Socioeconomic Section:

Notes the population and racial composition of the affected Montana counties, but not for the North Dakota counties.

Page 43, Cultural Resources:

Again discussions are made of eastern Montana sites, but nothing for North Dakota.

Page 50 - 51, Changes in Water Temperature:

The fourth paragraph in this section states, "Using the mass balance equation..., calculated June water temperatures would be 59 degrees F at Frazier Rapids." It should be clarified that the Mini-Test will not cause the water temperature to reach the desired 64.4 degrees Fahrenheit.

FORT PECK MINI TEST COMMENT RESPONSES

- 1 Change made; comment noted.
- 2 Comment noted.
- 3 Change made.
- 4 The population and racial composition of Richland County, Montana and McKenzie and Williams counties in North Dakota have been added to the socioeconomic analysis errata sheet, distributed for public review shortly after the Draft EA.
- 5 Changes made.
- 6 The mini-test will not likely cause the water temperature to reach 64.4 degrees. However, the purpose of the mini-test is NOT to achieve the 64.4 degree target identified in the Biological Opinion, but rather to gather temperature data during the combined flows, to test data collection methodology, and to test the spillway integrity. Therefore, no change to the EA text is needed.

JOHN HOEVEN, GOVERNOR
CHAIRMAN

SECRETARY AND STATE ENGINEER

Page 60, Missouri River Intakes:

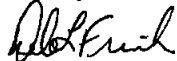
Once again the North Dakota reach has been overlooked as is evident by the fact that only a single pump site on the Yellowstone River is shown on the maps in Appendix K. For the Corps' reference I have included a list of water permit holders, obtained from the North Dakota State Water Commission's water permit database, on either the Missouri or Yellowstone River in the area in question. It is imperative to contact each of these water permit holders to have their pump site location(s) logged and mapped for inclusion in the report.

Page 61:

The Environmental Assessment assumes annual erosion rates are directly related to annual flow volumes and the flow rate fluctuations will not increase erosion as long as the total annual flow volume is not changed. I disagree with this statement. Fluctuating flows which are repeatedly wetting and drying the bank material cause an increased rate of erosion due to sloughing. The higher flows themselves will also increase the amount of erosion.

Although the Environmental Assessment gives a generalized overview of how the Mini-Test will be conducted as well as the testing/monitoring to be done in conjunction with the test, it seems to ignore the North Dakota portion of the Fort Peck Reach. There appears to have been no determination of those factors listed as "Socioeconomic Baseline & Existing Conditions" or "Cultural Resources" for North Dakota as there was for the Montana portion of the reach. It is imperative that the Corps not overlook the North Dakota reach for the Environmental Assessment, the Mini-Test, the Full-Test, or during proposed operational changes.

Sincerely,



Dale L. Frink
State Engineer

DF:JP:cg/1392
Enclosure

FORT PECK MINI TEST COMMENT RESPONSES

(continued)

7

7 Thank you for the information on pump sites and owners. Public notice of the mini test will be given in advance.

8

8 The wetting and drying of the banks will be no more than that which occurs under existing operations. Further, the peak flows are within the range of flows that could be expected from normal operations. Therefore, it is reasonable to assume that the mini-test will not affect the short or long-term erosion rates.

9

9 Once we realized that the North Dakota information was not included, we mailed an errata sheet with this information to those on the mailing list (letter dated May 8, 2002) and extended the comment period until August 9 in order to allow for comment on this additional information. The contents of the errata sheet have been added into the text of the Final EA.



COUNTY OF RICHLAND

Office Of
COUNTY COMMISSIONERS
201 West Main -Sidney, Montana 59270
406-433-1706 FAX 406-433-3731

Chairman-Mark Rehbein

Vice-Chairman-Henry T. Johnson

Member-Don Steppler

Rebecca J. Latka
U.S. Army Corps of Engineers
Atten: CENWO-PM-AE
106 South 15th ST.
Omaha, NE 68102-1618

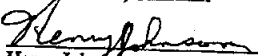
To whom it may concern;

The Richland County Commissioners would like to express our concern and opposition to the so-called "mini test" scheduled for June 2003. This discharge of water could be very detrimental to many of the Farmers, Ranchers and Taxpayers of Richland County located along or near the Missouri River below Fort Peck Dam. The loss of private and public land to erosion, accompanied by flooding could be very costly to Richland County and its taxpayers. Also the cost to the public in general would be very detrimental to our economy.

Thank-you for listening to our concerns.

Respectfully,
Richland County Commissioners


Mark Rehbein, Chairman


Henry Johnson


Don Steppler

FORT PECK MINI TEST COMMENT RESPONSES (continued)

- 10 The long-term erosion rate will not be affected by the mini-test and water discharge elevations will not be greater than the elevations the river reach has experienced within the last 10 years. Accordingly there will be no significant loss of land, no flooding due to the test, no appreciable impact on the Richland County tax base, and no impact to the area economy.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



JUDY H. MARTZ, GOVERNOR

STATE OF MONTANA

2625 ELEVENTH AVENUE

DIRECTOR'S OFFICE (406) 444-2874
TELEFAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

July 30, 2002

Ms. Rebecca Latka
U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE/Rebecca Latka
108 South 15th Street
Omaha, NE 68102-1618

Dear Ms. Latka:

On behalf of the Montana Department of Natural Resources and Conservation, I am pleased to provide our comments regarding the Draft Environmental Assessment for the proposed Fort Peck Flow Modification Mini-Test. We are submitting some general comments that reflect our concerns about the Mini-Test; these are similar to those regarding the Full Test that were included in our comments on the Revised Draft EIS for the Master Manual. We are also providing some specific observations on items contained in the Draft E.A. document.

Montana has supported the idea of testing a spring rise below Fort Peck subject to certain conditions. Public safety must be given first priority in implementing the Mini- and Full Tests and any modified flow regimes that may follow. We trust that the Corps will take adequate measures to warn the public in advance of the increase in releases. These warnings should be well in advance of the releases and should take the form of announcements through local media, meetings with organizations and governmental agencies, as well as contacts with irrigators, recreators and other river users before and during the Mini-Test.

Prior to conducting the Mini-Test, it will be essential to establish "stop criteria" that reduce the likelihood that higher releases from Fort Peck will endanger people and property. The stop criteria listed in the Draft E.A. will need elaboration and should include consideration of high runoff events on tributaries below Fort Peck.

Consideration must be given to minimizing damage to property and avoiding exacerbating erosion problems along the river—particularly in the vicinity of the spillway. We recommend that the Corps' monitoring efforts include impacts to the channel and banks. With funding from the Corps, the Roosevelt Conservation District conducted an inventory of pumps and intakes along the river during the summer of 2001. This inventory will be useful as baseline information in assessing the impacts of the flow modification exercises. We expect that the Corps will include this information in any such assessment.

The Draft E.A. estimates the impact to the lake level to be a drop of 1.2 feet and characterizes that as a negligible impact to lake interests. If the Mini-Test is being implemented in conjunction with the proposed intrasystem unbalancing scheme, then the lake level would be expected to drop more than 1.2 feet. If the unbalancing scheme is not planned during the same year as the

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 11 The Corps will take adequate measures to inform all interested parties in advance of flow test releases. The procedure and process for the notification will be included in the Fort Peck Flow Test plan
- 12 At the time of the flow test release, the "stop protocol" will be reviewed by the Corps to ensure all appropriate elaborations are included. The potential for high runoff events on tributaries below Fort Peck was considered and is addressed in the "stop protocol."
- 13 Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives, and therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the Current Water Control Plan. The report prepared for the Corps of Engineers by the Roosevelt County Conservation District (RCCD) provided a great deal of information and provided an estimate of the number of pumps that may be impacted by a high discharge. The report did not however, provide any details into the extent or nature of the impacts, nor was it intended to. The data collected by the RCCD is part of the mini-test plan and will be used to design data collection and assessment efforts for both the mini-test and full test.
- 14 The forecasted end of June Fort Peck Lake elevation is 1.2 feet lower as a result of the higher mini-test releases than would occur without a mini-test. June runoff into Fort Peck is normally the highest runoff month of the year, and the lake would be expected to rise during the month with or without the mini-test. Total drawdown is dependent on an array of conditions.

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Mini-Test, then we urge the Corps to store the volume of water associated with the higher releases in advance of the Mini-Test. This will preserve lake levels at Fort Peck as well as head lost for hydropower production.

Some specific comments pertaining to the document follow:

--page 2. "Pregus" County should read "Fergus" County.

--page 19, footnote 12. NEPA refers to National Environmental Policy Act.

--page 41, Table 5. Does this table refer to the 1994 survey of water intakes?

--page 42. The intake for the Fort Peck Rural County Water District may be in the vicinity of the dam.

--page 56. With regard to fishing below the dam, the trout fishery in the river between the dam and the spillway is likely to be affected by reduced flows.

--page 57, Table 8. Where did the data in the price column come from? Do these prices reflect springtime market conditions when adequate water would be in the system to allow for the Mini-Test?

--page 59. How does the Corps define a "region"?

While we recognize that the modified flow releases proposed in the Mini-Test are relatively modest in magnitude and within the range of the historical record, we consider the Mini-Test a precedent for subsequent flow modification exercises that are likely to include releases of significantly greater volume. Accordingly, we strongly urge the Corps to work with local interests to ensure that the goals and procedures for the flow modifications are well understood and that a consistent pattern is established for conducting subsequent flow modifications.

Sincerely,



BUD CLINCH
Director

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

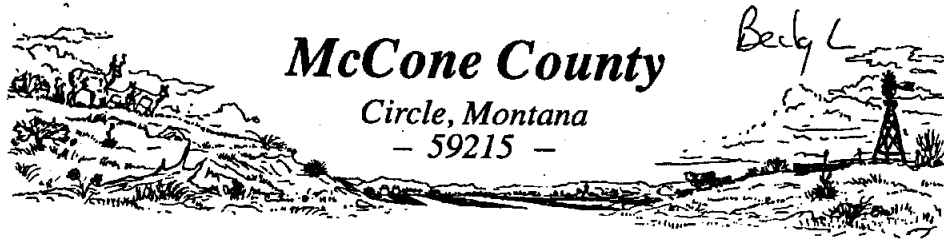
15 Changes made.

16 During the mini test, a minimum of 4,000 cfs will be released from the powerplant to ensure the trout fishery is unaffected.

17 The market prices of energy shown in Table 8 were obtained from the Western Area Power Administration's Watertown, South Dakota Operations Office. They are futures prices from some of the major energy hubs in the Midwest.

18 In this instance, the region of influence is described in the socioeconomic section. Initially it included McCone, Roosevelt, and Valley counties in Montana. It was expanded to also include Richland County in Montana and McKenzie and Williams counties in North Dakota.

19 The Corps has been working, and will continue to work, with local interests to ensure the goals and procedures for the flow tests are well understood. Any subsequent flow tests will have the same high level of coordination that the Corps has shown to date.



August 6, 2002

U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE/Rebecca Latka
106 South 15th Street
Omaha, NE 68102-1618

TO WHOM IT MAY CONCERN:

For the record, the following comments are those of the McCone County, Montana Board of County Commissioners.

As a point of order, McCone County's northern border consists of a portion of the Missouri River segment discussed in the Fort Peck Flow Modification Mini-Test Draft Environmental Assessment. That said, we also note for the record that neither the McCone County Conservation District nor the county commissioners were aware of the public scoping meetings, the draft environmental assessment, or the comment period until contacted by a concerned taxpayer from another county in May, one week from the original deadline for comment! Notice was not published in our local newspaper, nor were press releases sent to the radio and television stations serving the majority of McCone County from Glendive and Miles City.

We question the need for the mini-test and/or the full test. We also question the scientific basis as discussed and illustrated by the USFWS, given the recent discoveries of examples of their "flawed science" in listing the lynx and as they have promoted in Oregon and elsewhere. We firmly believe that independent, outside scientific review should be required to be conducted and included in this environmental assessment, given the current reputation of the USFWS "expertise".

As far as we can determine, this assessment does not contemplate damages to our agricultural taxpayers. There is no plan for compensation,

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 20 The Miles City Star is on our press release list, however the printing of press releases is a voluntary action based on anticipated local interest. Based on your input, we have added additional media outlets for Miles City to our press release list.
- 21 The Corps will not respond on behalf of the U.S. Fish and Wildlife Service. The Corps agrees that management decisions should be based on the best available science. Both agencies are in Endangered Species Act consultation on the Corps' operation of the Missouri River projects.
- 22 The EA deals solely with the mini-test and issues raised regarding compensation for potential damages due to a full test are not considered. The long-term erosion rate will not be affected by the mini test and water discharge elevations will not be greater than the elevations the river reach has experienced in the last 10 years. Currently the Missouri River reach below Fort Peck Dam experience flows of this magnitude or greater on the average of every two to three years. Accordingly, there will be no significant impacts to municipal or irrigation water intakes beyond those already periodically experienced. See also responses to comments 48 and 58.

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rehabilitation, or mitigation for losses sustained to their operations due to the mini or full tests. There is neither study of nor plan for protection of pump sites or water intakes along the river for landowners or community municipal water projects and the possible costs incurred due to this proposed action.

McCone County enjoys a relatively mild infestation of noxious weeds except along the Missouri River. A year of extremely high water in the dam and the current drought and actions by the Corps lowering the dam have exacerbated the spread of noxious weeds on the extended shoreline. The draft environmental assessment doesn't address the spread of noxious weeds on the riverbanks or any control measures preventing the spread onto private land along the river due to the testing sequence.

McCone County's residents are dependent on a rural electric cooperative for electric power. The REC's ability to deliver affordable rates of electricity to this area is dependent on the blending of the low cost hydropower produced at Fort Peck with other higher cost electricity. This environmental assessment does not cover compensation for the higher costs of power demanded by our RECs due to flooding from the spillway or lowering of the Missouri River.

The impacts to recreation on Fort Peck Lake are of extreme concern to us. With the advent of privatization of the cabin sites, the price asked for and received for cabins has quadrupled in the last two years. Fort Peck Lake is being discovered, bringing out-of-state recreaters and fishermen to the lake in an ever-increasing number. All of the economic progress because the dam is there, and which is desperately needed by this area, could become a dream of the past if the lake levels become subject to a primary obligation to run these tests. Certainly the tests have, in effect, already taken place many times due to the proceeding years of the operation of the dam, focused on keeping the barge industry on the lower Missouri in business.

On behalf of the McCone County Commissioners,


Connie Eisinger, Chairman

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 23 The timeframe associated with the mini test is considerably shorter than that experienced during drought and other natural low-flow periods. The implementation of the mini test is not possible during the current drought, since the water needs to be at an elevation 5 feet above the spillway. During the test, the water will be lowered an estimated 1.2 feet for a period of approximately 1 month. Along the riverbanks, the water level will be increased by up to 1.5 feet for less than a month. Both the lake elevation changes and the river elevation changes are well within "normal" fluctuations along these water bodies; therefore, no change in noxious weed coverage is anticipated.
- 24 The diversion of flow through the Fort Peck spillway for the mini test, thereby making the water unavailable to the turbines for hydropower production, would reduce project annual hydropower output by about one percent. During periods of normal demand the Western Area Power Authority (WAPA), which is the governmental entity responsible for marketing the power, can readily make up this loss from other sources on the power grid. To the extent this energy could be more costly, there would be a small impact to WAPA customers, including rural power cooperatives. Because the test would be discontinued in the event of an energy shortage, no significant impact is foreseen to area rural electric cooperatives.
- 25 The mini test would lower the lake level by approximately 1.2 feet. This is well within normal limits of operation and should not impact cabin prices or recreational activity at the lake. Regarding past operation, high flows in and of themselves are not sufficient to evaluate the effects of a controlled spillway discharge on downstream water temperatures. The mini test would include the collection of primary data on a variety of changes resulting from the controlled discharge through the spillway.

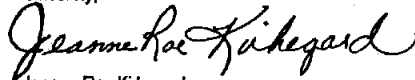
Cedar. Salt Cedar is a highly invasive and water hogging shrub. Salt Cedar not only displaces native plants in floodplains and riparian areas, but it also displaces wildlife, impairs stream flows and contributes to wild fires.

4. **Recreation** – Lowering Fort Peck Dam would have great economical impact on the local businesses in our areas. Our businesses look forward to the recreational income from fishermen and boaters.
5. **Threatened and Endangered Species** – the Piping Plover and the Pallid Sturgeon. The Missouri River has never been a place where the Pallid Sturgeon has spawned. There has not been any Pallid Sturgeon in Fort Peck since the 30's. They are found mostly in the Yellowstone River. As for the Piping Plover, there needs to be more thorough studies done on the subject. There have been reports from area farmers of several Piping Plover in their haystacks.

Another great concern is "how can you take only one year's worth of data on the river, combine it with a theory and run a mini-test and a full-test. There is a need for a thorough assessment to enable one to weigh all the factors involved—the economic losses in both agricultural production and agricultural operations that directly affect all of the agricultural and local businesses; loss of pump sites to landowners; loss of tax dollars to our county; and the millions of dollars lost from electricity each time the river is flooded. What about loss of wildlife and livestock?

We strongly feel that your proposed management plan puts all involved at great risk, as it is based primarily on theory.

Sincerely,



Jeanne Rae Kirkegard
District Administrator
For the Board of Supervisors

FORT PECK MINI TEST COMMENT RESPONSES (continued)

- 30 Since we do not anticipate an increased annual erosion rate associated with the mini test, we also do not anticipate that noxious weeds will increase as a result of the mini test.
- 31 A temporary reduction in the level of Fort Peck Lake of 1.2 feet as a result of the mini test is well within normal lake level fluctuations and would not have a significant adverse impact on lake recreation. Accordingly, no adverse impacts to area businesses or to the economy are likely.
- 32 The Missouri River downstream from Fort Peck Dam is considered a Recovery Priority Area for the pallid sturgeon, and supports a nominal population of sturgeon. As part of the pre-test monitoring for the mini-test, pallid sturgeon have been fitted with sonic tags to allow us to follow their movement within the Missouri River and the Yellowstone River. Portions of the Missouri River below Fort Peck Dam have been identified as Critical Habitat for the piping plover. Field surveys of the river have documented both the least tern and the piping plover on islands within the Missouri River below Fort Peck Dam. Annual monitoring is being done for pallid sturgeon, least tern, and piping plover within the Missouri River, including the Missouri River below Fort Peck Dam.
- 33 The purpose of the mini test is to obtain the necessary data to better understand and evaluate the need for a larger test. Prior to additional flow testing another environmental analysis, identifying and evaluating potential impacts would be conducted. This EA deals solely with the mini test. The long-term erosion rate would not be affected by the mini test. Currently the Missouri River reach below Fort Peck Dam experiences flows of the magnitude proposed for the mini test or greater on the average of every 2 to 3 years. Accordingly, the impacts to agricultural production, agricultural operations, pump sites, local tax revenue, irrigation intakes, livestock, wildlife, and county business activity would be similar to that which would be experienced during one of these frequent high flow years. Regarding lost electrical production see comment response number 24.



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahford, Director

OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176

May 9, 2002

Brigadier General David A. Fastabend
Commander, Northwestern Division
U.S. Army Corps of Engineers
P. O. Box 2870
Portland, OR 97208-2870

Colonel Kurt F. Ubbelohde
District Engineer, Omaha District
U.S. Army Corps of Engineers
106 South 15th Street
Omaha, NE 68102-4978

U.S. Army Corps of Engineers, Omaha District
Becky Latka, CENWO-PM-AE
106 South 15th Street
Omaha, NE 68102-1618

Dear General Fastabend, Lieutenant Colonel Ubbelohde and Ms. Latka:

Thank-you for providing the Missouri Department of Natural Resources with the opportunity to comment on the Draft Environmental Assessment, Fort Peck Flow Modification Mini-Test, April 2002 (Draft EA). Please consider the following comments.

According to the document, the Draft EA covers only the mini test. Lessons learned from the mini test, as well as the full test would likely be applied to future reservoir operational changes (presumably through the revised Master Manual). According to the Corps' schedule, the Final Environmental Impact Statement on the Master Manual will be released this summer, prior to conducting the mini test. However, until the mini and full tests are complete it will be difficult for the Corps to adequately present specific details concerning the final operational design or the potential impacts. This appears to create a timing issue between the mini test, the full test, the public input into the review and update of the Master Manual. The Corps should afford the public ample opportunity to comment on any recommended changes in future operations of the Reservoir System.

The Draft EA indicates that the drawdown of Ft. Peck Reservoir would have beneficial impacts on tern and plover nesting around the reservoir. It also indicates that the Reservoir shoreline is proposed critical habitat for the plover, and that both terns and plovers nest in the reach below Ft.



FORT PECK MINI TEST COMMENT RESPONSES
(continued)

34. Appropriate documentation and coordination with the public will occur for all aspects of any release changes from Fort Peck Dam. At this time, the mini test is the first change to occur, and this Environmental Assessment (EA) has been prepared accordingly. A second EA is anticipated for the full test, which could occur as early as the year following the mini test.
35. The Corps and the U.S. Fish and Wildlife Service are in Endangered Species Act consultation. Flow tests from Fort Peck are being considered in that consultation.

34.

35

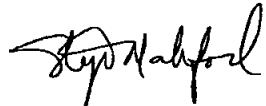
Peck. The Draft EA only presents a brief discussion of impacts on terns and plovers, which included possible flooding of nests, moving eggs and wetted-sand preventing re-nesting. This brief discussion may be adequate for a mini-test; however, a more comprehensive evaluation of impacts to terns and plovers needs to be presented before a full test or operational changes are implemented.

The Corps has included a study of the food habits of piscivorous fish. According to the Draft EA, local landowners in Montana observed sturgeon in the diet of piscivorous fish. This was after observing "hundreds" of small sturgeon in some tributaries to the Missouri River. If sturgeon are found in the stomachs of predator fish, the study will confirm what the locals have observed. However, if sturgeon are not found, the study is inadequate to confidently dispute what the locals have observed. It does not appear that the study will include sampling for the presence of "small sturgeon". This sampling is needed to confirm that small sturgeon are available as a food source. The Draft EA notes that during 2001 and 2002 a minimum of 30 individuals from each fish species (including walleye, sauger, northern pike, etc.) will be collected at two locations during each month, June, July and August, and stomach contents determined. This is a very small sample size. Since pallid sturgeon recovery efforts might be negated by predator fish, study results on the impact of predator fish must be conclusive. Questions such as sample size, presence of young sturgeon, and other related issues such as competition should be evaluated.

We understand that the full test and implementation of operational changes are beyond the scope of the Draft EA; however, the Corps needs to clearly articulate to the public the relationship between the mini test, the full test, and future operational changes. The Corps' effort to resolve local concerns about the feeding habits of predator fish with regards to them eating small sturgeon could be critical to future recovery efforts. Two-way communication and building trust with local landowners is extremely important. We hope these comments are useful. Please feel free to contact Mike Wells, Chief of Water Resources at 573-751-2867 if you have any questions regarding the Department's comments. Thank you again for this opportunity to comment.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Stephen Mahfood
Director

SM:jm

c: Bill Bryan, Deputy Chief Counsel, Missouri Attorney General's Office
David Conrad, National Wildlife Federation
Ken Midkiff, Clean Water Campaign, Sierra Club
Dan Beard, National Audubon Society

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 36 See Appendix M Data Results from 2001 – 2002.
- 37 The Corps is in consultation with the U.S. Fish and Wildlife Service regarding releases from Fort Peck Dam. All flow tests are part of an adaptive management strategy, which is currently being implemented.

36

37



**Montana Fish,
Wildlife & Parks**

P.O. Box 200701
Helena, MT 59620
406-444-2449

May 2, 2002

U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE/Rebecca Latka
106 South 15th Street
Omaha, NE 68102-1618

Dear Rebecca:

Thank you for the opportunity to comment on the draft EA titled *Fort Peck Flow Modification Mini-Test*. Montana Fish, Wildlife and Parks has reviewed the EA and supports the proposal. Because of the dire condition that the remaining pallid sturgeon populations are in, it is critical that this mini-test be completed as soon as there is available water, in order to proceed with the full test. We concur with your conclusion that this mini-test is within the range normally experienced or exceeded every two to three years, and therefore, impacts should be minimal. We strongly support the monitoring associated with the test, and encourage the Corps. to continue those monitoring efforts even if the mini-test has to be postponed due to low water since those data will provide valuable baseline information. Montana Fish, Wildlife and Parks has been assisting with collection of baseline fisheries and water temperature data, and will continue to do so, as well.

We appreciate that the mini-test cannot occur until reservoir levels reach 2230 feet msl, and encourage the Corps to conduct the mini-test according to the proposal once the reservoir reaches that level.

Please feel free to contact me if you require additional information.

Sincerely,

Chris Hunter
Fisheries Division Administrator

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 38 Comments noted. Due to the continuing drought, it may be a while before elevation 2230 is attained.

GREENBERG
ATTORNEYS AT LAW
TRAUIG

Robert Vincze
303-572-6552

May 10, 2002

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND U.S. MAIL

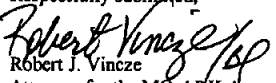
U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE/Rebecca Latka
106 South 15th Street
Omaha, NE 68102-1618

Re: Draft Environmental Assessment (EA) for the Fort Peck Flow Modification Mini-Test, Fort Peck, Montana

Dear Ms. Latka:

The MO-ARK Association offers the following comments on the above-referenced EA. The MO-ARK Association respectfully requests the U.S. Army Corps of Engineers further evaluate the effects of site-feeding predator fish such as the Walleye, Smallmouth Bass and Northern Pike on the Pallid Sturgeon fry and year-of-young. In accordance with the Pallid Sturgeon Recovery Plan issued by the U.S. Fish and Wildlife Service dated November 7, 1993, predation by such site-feeding predator fish is one of the reasons for the decline of the Pallid Sturgeon (at p. 12). In fact, Section 2.62 of the recovery outline in the Recovery Plan calls for study of the "degree of competition and predation by introduced fishes." Through legislation and appropriations, the Federal Government has authorized hundreds of millions of dollars for habitat restoration in major part to recover the Pallid Sturgeon. These expenditures must be weighed against the continued value of stocking non-native fish, when such fish compete with and prey upon the Pallid Sturgeon. "[T]he decline of the pallid sturgeon has probably occurred in . . . a large number of other, more recent impacts, including continuing harvest, contaminants, hybridization, decline of prey, competitors, and others." (Tyus Report, "Reasons for Decline", ¶ 4, p. 9).

Respectfully submitted,


Robert J. Vincze
Attorney for the MO-ARK Association and
the Missouri Levee & Drainage District
Association

RV/m

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

39 We acknowledge that there are many other factors related to pallid sturgeon decline and recovery than the flows from Fort Peck Dam. This EA relies primarily on existing information, supplemented with specific studies to address scooping concerns where information from literature was not readily available. See Appendix M for monitoring data from 2001-2002.

39

GREENBERG TRAUNIG, LLP

THE TABOR CENTER 1200 17TH STREET, SUITE 2400 DENVER, COLORADO 80202
303-572-6500 FAX 303-572-6540 www.gtlaw.com

MIAMI NEW YORK WASHINGTON, D.C. ATLANTA PHILADELPHIA TYSONS CORNER CHICAGO BOSTON PHOENIX WILMINGTON LOS ANGELES DENVER
FORT LAUDERDALE BOCA RATON WEST PALM BEACH ORLANDO TALLAHASSEE



B • O • M • M • M JOINT WATER RESOURCE BOARD

Dedicated to Protect the Banks and Riparian Land along the Missouri River

FORT PECK MINI TEST COMMENT RESPONSES (continued)

- 40 See attached Jul 15, 2002 letter to B.O.M.M.M. Board, which addresses the comments within this letter.

June 19, 2002

Col Kurt S. Ubbelohde
Corps of Engineers
106 South 15th Street
Omaha, NE 68102

Dear Col. Ubbelohde:

I am addressing this very important complaint to you and request that you refer it to whomever in your "family" you consider most appropriate to study and reply.

I am very troubled by two recent statements by the COE in the RDEIS of the Missouri River Master Manual dated August 2001 and the Environmental Assessment of the Ft. Peck Flow Modification dated April 2002. The pages containing these statements are attached to this letter.

The statements in effect say that the amount of bank erosion on the Missouri River is a function of the total volume of water released and not the manner in which it is released. This assertion, if true, would mean that the Corps of Engineers could release water at Ft. Peck, Garrison and other dams in any manner they wish and not affect the total amount of downstream bank erosion.

I have polled ten civil engineers (PE's) concerning your assertion and they either entirely disagree or at least wish to examine the COE studies which led to this conclusion.

40

JUN 10 1992

District Engineer

Page Two

We believe the erosion rate is an exponential function (the exact exponent will vary) and not a direct function of the rate of flows. For example, doubling the rate of flow could cause four times the bank erosion and will greatly increase the total bank erosion for a given amount of water. Those of us in the water business know of the downstream erosion of smaller streams that have been eliminated by installing dams with appropriate outlets. The same amount of water flowed with little or no erosion! In larger rivers, such as the Missouri, increasing rate of flows increases the velocity. Any engineer knows that the energy is an expression of the square of the velocity! The increased velocity also increases the centrifugal force (also a square function) of the water against the curves of the river channel. Also when operated at higher levels the river banks are much more vulnerable to wave erosion caused by wind and power boats.

All the above contradicts the COE statements enclosed. I wonder if the COE have published these statements as a self-serving excuse to permit the experimental high flows downstream from Ft. Peck which will cause higher bank erosion than otherwise would have been, and the unequal levels proposed for the Oahe and Garrison dams. This would result in higher flows and greatly increased bank erosion in the Garrison to Oahe reach (and a larger increase in the Oahe delta) than otherwise would have been. Also there would be lower flows (than otherwise would have been) in other years, which is also highly undesirable to all the river users of this reach.

I, too, am very interested in learning what kind of research led the COE to conclude that the release rates have no relation to total bank erosion. This conclusion certainly would not stand up in a hydraulics laboratory.

The BOMMM Joint Board was organized in 1983 for the purpose of preventing the loss of more high riparian land by the bank erosion of the Missouri River. We advocate the rip-rap of only those reaches needed. To date 30% of the 160 miles of bank have been stabilized. A 1997 North Dakota Water Commission study concluded that only 10% more needed protection, leaving 60% or 96 miles untouched. A FEMA restudy to be

Mr. Andy Mork, Chairman
BOMM Joint Water Resource Board
P.O. Box 2599
Bismarck, North Dakota 58502

Dear Mr. Mork:

Thank you for bringing your concerns on the Fort Peck Mini-Test Environmental Assessment (EA) to our attention. We hope the explanations below, provided by our engineering staff, will help explain how we arrived at the conclusions with regard to erosion during the higher-flow events. Any comments regarding the Master Water Control Manual Environmental Impact Statement should be directed to our Northwestern Division office at 12565 West Center Road, Omaha, Nebraska 68144.

Higher flows are proportionally more erosive than lower flows, and the Corps has never claimed differently. However, when analyzing the alternatives presented in the EA for the Fort Peck mini-test, the Corps considered the entire flow-duration curve and how it would be changed by the various alternatives, not a single discharge. This is where the volume of water is considered. If a particular flow scenarios calls for an increase in the number of high flow days, then there must be a corresponding increase in the number of low flow days, or a decrease number of median flow days, etc. because there is a set volume of water.

On a river such as the Missouri, the alluvial processes (erosion, deposition, etc.) are controlled by the dominant discharge or dominate discharge class. This dominant discharge class is the discharge range that moves the majority of the bed material sediment through the reach. To change the discharge class would require a significant change in the shape of the flow-duration curve for the river reach. Examination of the flow-duration curves for the various alternatives indicates that the distribution of flows is very similar and that the dominant discharge class remains the same. Therefore, there is no reason to expect a change in the long-term erosion/deposition patterns.

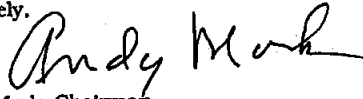
In any given year the erosion/deposition will be more or less than the long-term average depending on the run-off for that year, and the system management objectives. However, over the long-term, high flow years and low flow years (natural or man-made) will be balanced out.

Page Three

released in late 2002 of the south Bismarck reach indicates a one foot rise in the river bottom in the last 10 years. This adds urgency to the necessity of completing upstream bank protection and it another reason BOMMM Joint Board is so concerned with river bank losses.

I am interested in your response to this complaint. A meeting with your engineers would be desirable.

Sincerely,



Andy Mork, Chairman
1-701-663-3840

cc: BOMMM Board
Dale Frink, State Engineer
Todd Sando, Assistant State Engineer
Ron Sando, Morton Cnty WRB Engineer
Mike Dwyer
Bonne Whitmere

Regarding your request for a meeting, the Corps will be in Bismarck on July 31, 2002 to discuss bank stabilization issues with the Missouri River Vision Group, of which the BOMMM Joint Water Resource Board is a member.

If you have additional comments, please contact me; or Mr. William Miller, the project manager, at (402) 221-4022; or Ms. Becky Latka, our National Environmental Policy Act specialist at (402) 221-4602.

Sincerely,

SIGNED
COL KURT F. UBBELOHDE
Kurt F. Ubbelohde
Colonel, Corps of Engineers
District Engineer

CF:
CENWD-CM-W-M (Hargrave/Farhat)
CENWO-ED-H (Remus)
CENWO-PM-C (Timp)
CENWO-PM-AE (Latka)

very high
becky L.

"FORT PECK SHOW"

U.S. Army Corps of Engineers

ATT. Rebecca Z. Latka

I believe two things are needed
before the mini test is started.

1. A full Environmental Impact Study
needs to be completed before test.

We need to get the feedback and concerns of
ALL involved.

2. A full Economic Impact Study.
To see what is lost or what is gained.
As I read through the Draft:
There are too many issues not addressed
and need to be addressed before the
test starts.

2002 JUL 22 PM 8 11

-Shelby J. [Signature]

ELLEN [Signature]

CRATON, J. MATH. DATA

P.O. Box 29 - 58838

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 41 One purpose of an EA is to determine if an EIS is needed. Based on the predicted environmental impacts in the EA, and the similarity between the mini test and natural flow variations, the impacts associated with the mini test are not considered "significant" for NEPA purposes. Therefore an EIS is not needed.
- 42 The impacted reach of river is subjected to periodic flows of this magnitude every two to three years. No unusual impacts to agricultural production, recreation, or damages to land are anticipated. The production of electrical energy will be affected due to spilling water through the spillway, but impacts to the cost of electricity in the area will be minor. Because these items are not significantly impacted, no secondary impacts to the economy are considered, and a detailed economic impact study is not warranted.

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Tom Ruffatto
HCFO Box 440
Brockton, MT 59213

✓ BuckyL

Ms. Gatre

After reading the Draft Environmental Assessment
for the Fort Peck Flow Modification Mini Test,
I feel that my property rights are not
~~being~~ being protected. I also feel that
the Mini Test, even though it is for a short period
of time, will have a long lasting effect on
the banks of the river. This is a project that
may change the action of the river forever.

Thank You

To Ruffatto

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 43 Through the implementation of the mini test at Fort Peck, the Corps will not divest any rights of private property owners. Those holding rights who believe that they are negatively impacted will have the same rights to seek compensation for alleged damages as they currently hold with regards to the operation of Fort Peck Dam within the Missouri River Reservoir System under the existing Missouri River Master Water Control Manual. See also responses to comments 48 and 58.
- 44 Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives; therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the Current Water Control Plan.

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

August 9, 2002

Skip Erickson
P.O. Box 351
Glasgow, Mt 59230Rebecca J. Latka
U.S. Army Corp of Engineers
Atten: CENWO-PM-AE
106 south 15th St.
Omaha, Nebraska 68102-1618

Re: "mini test"

Dear Ms Latka:

The reference to "mini test" would infer that there might be a "maxi-test, or at least one with greater possibility for potential economic loss to downstream property owners, primarily irrigators such as myself.

I am one of three owners of an irrigated farm a few miles downstream from the spillway at Fort Peck Reservoir. We have two irrigation pump sites, one of which we had to recently move at substantial expense because it was washed away with normal water discharges. The other pump site requires work every spring in order to make it useable.

I'm sympathetic with the plight of the pallid sturgeon, but as stated in the newspapers, I'm not sure the mini-test is required in order to comply with the Endangered Species Act; rather, it appears to be a grand experiment to test someone's theory that increased water flows in the spring will enhance the spawning of the pallid sturgeon.

The increased flows will certainly affect irrigators, both in terms of additional dirt-work to maintain or protect the pump sites, field erosion, and in lost revenues due to the inability to irrigate the crops when they need it most. At this juncture, it appears the "cost" of this experiment will be borne by the irrigators with no mention of mitigation for assuming this burden. But the experiment is going to happen regardless of negative impact and we apparently have no choice in the matter. My question is, if I suffer economic loss, will I be compensated? In other circumstances when the government participates in a "taking" of one's property or property rights, it reimburses the property owner. Has the government considered mitigation for damages caused by this test? What if it proves to be successful so as to be conducted every year - does the property owner

Post-It Fax Note	7671	Date	8/9/02	# of pages	2
To	Rebecca J. LATKA	From	SKIP Erickson		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	402-221-4886	Fax #	406-228-4823		

- 45 As described in the Draft EA, the mini test would likely be followed by a full test. So yes, there is the potential for larger tests in the future. See response to comment 35.
- 46 See response to comment 35. To some extent, the mini test (and the full test) is an experiment to test the hypothesis that pallid sturgeon need higher spring flows and warmer river temperatures to successfully spawn. Through the "adaptive management" process, information collected through monitoring during the tests can be used to determine the effectiveness of the test.
- 47 The impacted reach of river is subjected to periodic flows of this magnitude every 2 to 3 years. No unusual impacts to agricultural production, recreation, or damages to land are anticipated. Accordingly, no unusual operating costs would be imposed on irrigators along the affected reach.
- 48 If the mini test is implemented, it is not anticipated that the release of up to 15,000 cubic feet per second (cfs) of water from Fort Peck Dam, including up to 11,000 cfs down the spillway, for approximately 4 weeks, would result in the categorical destruction of all economic beneficial use of any property, in violation of the prohibition of the Fifth Amendment to the United States Constitution against Governmental taking without just compensation. However, the Corps will examine any allegations or claims from property owners for compensation allegedly owed due to the mini-test.

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have to suffer the loss indefinitely? It appears to me that the burden of protecting endangered species should be the obligation of every American, not just a select few who happen to live in the area. The fact that I own a farm on the Missouri River shouldn't imply that I've participated in the demise of certain species, nor does it mean that I need to share an inordinate share of the cost of saving those same species. I'm only asking for a little fairness and reasonable consideration.

Another thought is that this experiment certainly might delay the long over-due revision of the Master Manual. That delay, in of itself, has the possibility of negatively impacting many species that aren't yet endangered, and at a potentially huge cost. Money could be better spent by raising pallid sturgeon in the new fish hatchery at Fort Peck. We know that the planting process does work and could ultimately be the logical solution to saving the pallid sturgeon without causing controversy and grief to downstream landowners.

Respectfully submitted,

Skip Erickson
Skip Erickson

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

49

49 See response to comment 35.

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50 The stocking of hatchery-raised pallid sturgeon is also a part of the Biological Opinion and a component of pallid sturgeon recovery. The current plan is to stock pallid sturgeon "in addition to" tests, not "instead of" tests. Implementation of the mini test is unrelated to the Master Manual schedule.

Virgil and Marlene Toavs
P O Box 2
Fort Peck, MT 59201

August 12, 2001

Rebecca J Latka
U S Army Corps of Engineers
Attentions CENWO-PM-AE,
106 South 15 th ST
Omaha, NE 68102-1618
Fax 402-221-4886

Dear Corp:

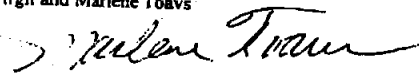
Please consider this a protest regarding the proposed discharge of additional water down the Missouri River below the dam.

We are one of many irrigators who need stable water levels to prevent bank washing and destruction of bank stability. Fluctuating water is not in the interest of irrigators but is also degrading to the river banks making the water muddy and unnatural causing further erosion and contamination of the water.

Please keep water levels steady to keep river banks stable.

Sincerely,

Virgil and Marlene Toavs



FORT PECK MINI TEST COMMENT RESPONSES
(continued)

51. Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives; therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the Current Water Control Plan.

8-05-02

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 52 A minimum elevation of 2230 feet in Lake Peck is needed to run the test; therefore, the test will not occur during the current drought.

Rebecca J. Lathen
U.S. Army Corps of Engineers
Attn: CEAD-NO-P.M. A.E.
106 S. 15TH ST.
Omaha, N.E. 68102-1618

To take more water out of an already
low Ft. Peck Lake just for a test is
assinine.

yours truly
Don Ligon
P.O. Box 231
Lambert, Mt. 59243

52

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

U.S. Army Corps of Engineers
AENWD-PM/AE/REBECCA LATKA
766 SOUTH 15TH STREET
OMAHA, NE 68102

8-5-02

Becky L

Dear Sirs & Family,

I have been opposed to the mini test from the start. It could maybe wash my pump site out. The boys have proposed some bier Dikes to keep pump site from washing out.

I was under the impression that the Fort Peck Dam was made for flood control, but the mini test is the exact opposite. If they are going to create a flood, it could wash out the river banks and pump sites. The higher water levels in the river could cause the river banks to slough more rapidly and it will be harder to maintain the pump sites, and they will need more maintenance.

The money lost from running the water through the spillway is a big factor, this could raise the price of electricity to rise even more.

I remember when President Roosevelt came to our place in a special train on the tracks about the dam. Dad said we must go up and hear him talk. He spoke from the upper end of the long rail lawn in Fort Peck just west of the A.D. building and across the street north of the Ft Peck Hotel.

He said we have achieved success, there will no more floods from the Missouri River. It makes me wonder what he would say, if he were alive today and hear that we are going to create a pretty rise or maybe a flood from the dam he had made while he was president.

I must ask for the no action alternative

Sincerely,
Edgar O. Garwood
RAY 212

53 Comment noted.

54 Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives; therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the Current Water Control Plan. The flows in the mini test are no higher than under normal operations and are not expected to cause flooding. Downstream inflow will be monitored and the test suspended if downstream inflows threaten flooding.

The level of flow, projected for the mini test is currently experienced on the average of every 2 to 3 years; therefore, no additional operation and maintenance cost for irrigation pumps, beyond those already frequently experienced are foreseen.

55 Western Area Power Administration (WAPA) would have a projected \$2.3 million expense as a result of the mini test. This expense would not have a large impact on rates.

56 Comment noted.

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56

Comments on Ft. Peck Test
 Please Be Specific - Shirley J. Hardy
 Rt. 1 Box 4740
 Ft. Belknap, MT 59721

QUESTIONS CONCERNING FLOODING AND DRY UP THE MISSOURI RIVER BELOW FORT PECK DAM.

- ◆ How many cubic feet per second will be allowed down the Missouri River after the flood so we can irrigate? —
- ◆ How much money is dedicated to the riverbank erosion of private property along the river?
- ◆ How much money will be allocated to landowners for crop damage?
- ◆ How much money will be put aside for pump site damage?
- ◆ Please show in detail how private property owners below Ft. Peck Dam can prove damage without costing a fortune and be compensated in as fast a time frame as it did to do the damage.
- ◆ Will we be guaranteed electricity each year?
- ◆ Will we always be guaranteed irrigation water?
- ◆ Why doesn't the Corp of Engineers have to obey Montana Stream Bank Preservation Act of 1975?
- ◆ Where did this idea originate and what does each test cost?
- ◆ Don't irrigators below the dam have the same interest as barge owners?
- ◆ How do you flood the Missouri River and waste water a month every year and keep water in Montana?
- ◆ Montana was declared a disaster area this summer from drought, this fall for loss of electricity-now we will have a permanent disaster when the Missouri River is flooded. At what point would we have our water cut off entirely for an endangered species?
- ◆ Is man creating another disaster area?
- ◆ It is criminal to waste water in dry Eastern Montana with a man made flood!

How much loss of electricity each time
 a surge (flood) is going to cost?

FORT PECK MINI TEST COMMENT RESPONSES (continued)

- 57 Summer releases following the mini test would most likely be in the 7,500- to 8,000-cfs range for a median (average) runoff scenario. Every effort would be made to provide flows adequate to support irrigation flows should less than median runoff occur.
- 58 The Corps does not believe that the mini test at Fort Peck, if implemented, would result in appreciable and compensable losses. The Corps will examine every allegation or claim from property owners for compensation of alleged damages.
- 59 See response to comment 24.
- 60 It is not within the authority provided to it by Congress for the Corps to define, quantify, adjudicate, and allocate water rights to which Tribes and private property owners in the Missouri River Basin may be entitled under law or treaty. Rather, the Corps regulates the water within the Missouri River Mainstem Reservoir System, consistent with the dominant navigational servitude that the United States has to water within the Missouri River. Thus, the Corps is not in a position to guarantee any property owner's right to have irrigation water.
- 61 The Attorney General of Montana has provided an opinion stating that the Montana Natural Streambed and Land Preservation Act does not apply to federal projects unless Congress agrees to the regulation.

7 comments on Ft. Peck Test

Please be specific -

Shirley Hardy
Rt. 1 Box 1740
Fairview, MT 59221

QUESTIONS CONCERNING FLOODING AND DRY UP THE MISSOURI RIVER BELOW FORT PECK DAM.

- ◆ How many cubic feet per second will be allowed down the Missouri River after the flood so we can irrigate? — 57
- ◆ How much money is dedicated to the riverbank erosion of private property along the river? 58
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- ◆ How much money will be put aside for pump site damage?
- ◆ Please show in detail how private property owners below Ft. Peck Dam can prove damage without costing a fortune and be compensated in as fast a time frame as it did to do the damage.
- ◆ Will we be guaranteed electricity each year? 59
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- ◆ Montana was declared a disaster area this summer from drought, this fall for loss of electricity-now we will have a permanent disaster when the Missouri River is flooded. At what point would we have our water cut off entirely for an endangered species? 65
- ◆ Is man creating another disaster area? 66
- ◆ It is criminal to waste water in dry Eastern Montana with a man made flood!

How much loss of electricity each time
a surge (flood) is going to cost?

FORT PECK MINI TEST COMMENT RESPONSES (continued)

- 62 The underlying Federal purpose is to comply with the Endangered Species Act and the pallid sturgeon recommendation in the U.S. Fish and Wildlife Service's November 2000 Biological Opinion on the Current Operations of the Missouri River, Kansas River, and Bank Stabilization and Navigation Project.

The cost for the testing activities and data collection for FY01 through FY08 are estimated to be in excess of \$10 million. The estimated loss of energy revenues due to water passing over the spillway and not through the powerhouse is \$2.3 million for the mini -test, based on current cost data.
- 63 The Corps cannot speak for barge owners regarding whether they have the same interests as do the irrigators located below the Fort Peck Dam
- 64 The overall flow of water out of Fort Peck on a yearly average will not change due to the mini test.
- 65 The Corps does not foresee a situation where all water would ever be cut off entirely. The Endangered Species Act is a law that applies to the Corps of Engineers.
- 66 Effects of the mini test on hydropower generation are shown in Table 8. The actual expense to the Western Area Power Administration will depend on the value of energy at the time the mini test is conducted.
- 67 The Corps needs to balance the needs of the species with the operational authorities for the dam. This document is addressing only the mini test, which would result in a loss of Fort Peck powerhouse generation at an estimated cost of \$2.3 million.

Rebecca J. LATH

None of the concerns I voiced 2 yrs ago have been answered so I am totally against Surges on Missouri. We have 8-10 mi. of River front with our Ranch on South Sid. of Missouri Approx 10 mi above Norfolk. I am completely dumbfounded that this much damage and cost could be caused to support the killed Surgeon (I had never heard of this fish) + experiment with warmer water being a better spawning environment. This is down even though it may be detrimental to Least Tern, Piping Plover, water quality, irrigators (56,000 ac.) lost power generating revenue, cold water species, etc. I T sure no matter how many locals object your main concern is to push this through. The hearings were a joke. Schedule once during our sugarbeet harvest + now writing letters when we should be breeding. I think Mammoth Falls debacle was terrible as well as spotted owl both of which the National Academy of Science say was not justified.

What is so horrible about accomplishing your goals at someone else's expense??

Private property is from outcrop to the bottom of this great nation don't destroy it!!!

Sincerely, Rebecca Lath

68

69

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 68 The Corps' goal is to comply with the Endangered Species Act with as little impact on landowners as possible.
- 69 The wetting and drying of the banks will be no more than that which occurs under existing operations, therefore the affect to those factors listed are anticipated to range from very minor to no affect.

body L 1
May 7 2002

Army Corps of engineers:

I'm writing this letter in opposition of the Fort Peck Flow Modification mini-test. I pump water along side Edgar-Carwood directly across river from the spillway. I'm concerned about bank erosion or change of water main stream access to my pump site. I'm worried the proposed Spur Dike will not effectively do its intended job. Putting the spur dike to the sand bank may cause it to become an island or it may fill in downstream side with sediment cutting off my water supply. I feel for the cost of the intended spur dikes an access for floating pump or something could be used in conjunction with maybe one or two dikes so I could maintain a solid pump site with "normal" changes in river flow, the banks soak water on high flow then when river elevation goes down, water pours out of the banks pushing sand with it causing serious erosion problems. With the proposed flow modifications this will only compound the problem. This is not only my problem but every pump site down river.

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 70 Two potential solutions were identified to address this concern during the mini test. The first was to excavate a channel to allow operation of the irrigation pumps. The intake channel would have provided flow to the existing pumps. Periodic maintenance could be required. The second alternative was to rent a portable pump for the duration of the irrigation season to allow continued flow access during the mini test. To date, the landowners have not pursued these options.

I also have a pump site upstream at the lowest end of the dredge cuts.

Here with the changes in flow from the power house my pump would have to be raised and lowered accordingly. This can be a big problem when its haying and irrigating season. Ronald Garwood will also have this problem at a site about 1 mile below me. We do allready have problems with current flow modification at these sites but this will also compound the trouble at these sites.

I also question the purpose of trying to raise river temp with water from the lake. Being a swimmer, the lake water is awful cold going into July. Many times the top few inches may be to your figures but below that is cold. I wonder how much a warming effect this will have on river water.

The Pallid Sturgeon has been here for 60 yrs. Why do we now think we can help them become more plentiful by experimenting with such complicated matters. What happened to the spotted Plover? Won't this release drown out their nesting spots at this time of year?

The least tern would also have to be affected?

I don't know of anything in this world that will last forever.

71. The effect spillway discharges would have on the river water temperature is largely dependent upon the temperature difference in the "spillway water" and receiving river water and the quantity of water discharged. The larger the temperature difference and volume discharged the greater the potential for raising water temperature in the river. If temperature differences and discharge volume in relation to river volume were small, the spillway discharge would have minimal effect on raising the water temperature of the river.

72. The pallid sturgeon is an ancient fish that has survived since dinosaur times, but is currently not reproducing in the Missouri River. One of the reasons for the lack of reproduction may be the lack of a warm water pulse thought to trigger the spawning process. Unless a species can successfully reproduce, it will go extinct. The mini test, full test, and any potential operational changes, should they happen, together with pallid sturgeon monitoring could provide information on whether this warmer pulse helps the pallid sturgeon successfully spawn.

Although there is some risk to a few nesting least terns and piping plovers, this risk can be avoided by relocating eggs and nests if needed. Few birds nest along the Missouri River islands below Fort Peck Dam, and the U.S. Fish and Wildlife Service has determined that the greater good would be for the pallid sturgeon to spawn. Historically, before Fort Peck Dam, flooding occasionally overlapped the nesting season for the least tern and piping plover. The floods also helped restore high elevation sandbar islands for these birds, even if eggs were lost during the actual flood, so the overall effect was beneficial was for these birds and fish.

71.

72.

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 73 The sauger is a native fish that would have acclimated to the warmer pre-dam spring rise flows, so would not be negatively affected by the mini test. Most native fish may find some long-term benefit in a warmer and higher flow during the late spring or early summer. Rainbow trout are not native to the Missouri River, and, while most trout prefer cold water, rainbow trout are quite flexible in their life requirements and can even survive in some warm Nebraska ponds if sufficiently aerated. The cold-water fishery between Fort Peck Dam and the spillway would not be influenced by the warm spillway discharge, because the warmer spillway discharge would flow downstream from the trout waters.
- 74 Cost is ultimately a factor in wildlife restoration programs, because while most people are in favor of "saving the environment," there is often a limit to that support, based on the cost for implementing the program. Unlike the endangered salmon, the pallid sturgeon has no commercial value, which makes the cost for its recovery more of an issue. Many people would support some changes and inconvenience if there is a good monitoring program in place to detect if such changes were working or not.

73

74

Changing habitat. For one thing goes
down the line and effects everything.
What happens to sauger? This fish
used to be caught readily at mouth
of Milk river but now is not so common.

Rainbow trout gravel bars have been
developed up stream for spawning sites.
Don't these fish do better in cold water?

Again when sauger fishing was
good at the mouth of the Milk river
Rainbow trout were very seldomly
caught if ever, at least by me. Do
you give up one for the other? Who
picks what to save and what to flounder?

I'm not against saving our environment
or any of mother natures creations but
at what cost? I have to bring up the
Wolf program? Was this worth the money
and trouble to create more impacts on
wildlife?

Please continue to send and more
information on any regarding issues to

Dan Anderson
HC 81 Box 212
Nashua Mt.
59248

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

MDonald Garwood
HC 87 Box 215
Nashua MT 59248

Dear Sirs,

I am an irrigated farmer a mile south of Nashua on the Missouri River below Fort Peck Dam. I maintain a pump site on the river above the spillway and share a site with my father, Edgar Garwood. These sites are 2 1/2 miles apart. I am deeply concerned by the "Spring Rise Proposal" by the Fish and Wildlife Service and the Corps of Engineers. This action could cause severe damage to our pump site below the spillway by inundation of the pump site or erosion under the pump and we might have to move the pump at a critical time in our irrigation season. The other pump site above the spillway would only receive 4000 CFS which would not be enough to irrigate. I need to have at least 8000 CFS to irrigate without losing its prime & to irrigate day & night. This pump site is on the outside bend of the river, very shallow, & prone to erosion at high water. I feel the Corps and the Fish and Wildlife Service should be responsible for losses to my crops for loss of income at this critical irrigating time. I feel there should be a special disaster payment made to the irrigating farmers if they can't get water on their crops. We have a large investment in irrigation pumps, sites, ditches and leveled land.

I feel this proposal to try to stimulate spawning of the pallid sturgeon in this cold water the

- 75 Spur dikes could have been constructed under the Section 33 authority, however agreement was never reached between the landowner and the government.
- 76 Two potential solutions were identified to address this concern during the mini test. The first was to excavate a channel to allow operation of the irrigation pumps. The intake channel would have provided flow to the existing pumps. Periodic maintenance could be required. The second alternative was to rent a portable pump for the duration of the irrigation season to allow continued flow access during the mini test. To date, no landowners have pursued this option.
- 77 The Corps cannot speak for the U.S. Fish and Wildlife Service regarding its responsibility or liability for alleged losses of crop income that could result if its proposed "spring rise" of the Missouri River is implemented by the Corps within the Master Water Control Manual. With regards to the mini test, which is the subject of the Environmental Assessment, the amount of water released for the numbers of days specified would not result in the categorical destruction of all economic beneficial use of any property, in violation of the prohibition of the Fifth Amendment to the United States Constitution against Governmental taking without just compensation.
- You provided a suggestion that a special disaster payment be made to farmers who rely on irrigation intake from the Missouri River to get water to their crops. The Corps cannot institute such payments without prior Congressional action in authorizing and appropriating the funds.
- 78 See response to comment 72.

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78

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

79 While it's true that many other species have been introduced into the Missouri River since the closing of Fort Peck Dam, these species are flexible enough to not be affected by the mini test. Remember that the mini test is within the types of flows already seen periodically on the river, but the higher flow would be coming from warmer upper lake water instead of through the outlet works of the dam. The introduced coldwater trout fishery downstream from Fort Peck Dam would be upstream from the warmer spillway discharge, so would not be affected by the warmer water.

80 Comment noted.

corps has created, by the building of Fort Peck dam, is very foolish and expensive proposal. I believe the inundation of the river by "The Spring Rise" would hurt many species of birds including ducks, geese, phalaropes and terns that are on the river. Something that hasn't been taken into the consideration is the large numbers of predatory fish, birds and mammals that are on the river now that wasn't here in the 50's. I've irrigated, hunted, fished, trapped, backpacked and boated this river for years. In the 50's + 60 we caught many large - sturgeon which had to have been pallid sturgeon up to 5 foot long. I also caught & released one in 1997. We didn't have northern pike, walleye, lake trout and muskies then like we have them in numbers. We had raccoons migrate here about '60's. They catch large numbers in shallow areas or ponds. We have large numbers of cormorants, gulls, pelicans and loons. We also have bald eagles and ospreys which feed on fish. I believe all of these predators have had a detrimental effect on all native species of river fish. This spring rise proposal would cause millions of dollars due to loss of generation crops, disaster payments, erosion, damage to pump sites and inundation of habitat for many species of birds and animals. I believe money spent on the warm water fishery at Fort Peck when it comes on line will provide numerous fingerlings of pallid sturgeon and native fish is a better use of our money. This hatchery would help keep the pallid off the endangered list and wouldn't cause other environmental problems that the spring rise would.

Ronald Hammond

79

80

peckyl

COMMENT QUESTIONNAIRE

Draft Environmental Assessment Fort Peck Flow Modification Mini-Test

Complete this form by circling any answer with which you agree.

Feel free to make copies and ask friends to send comments.

EACH family member should comment on a separate sheet.

You are encouraged to add personal comments at the end or between each question.

Return forms by Friday, August 9th to:

US Army Corps of Engineers, Omaha District

CENWO-PM-AE / Rebecca Latka

106 South 15th Street

Omaha NE 68102-1618

FORT PECK MINI TEST COMMENT RESPONSES

(continued)

Your Name (please print):

ROBERT JEBRAUN

Date:

7-14-2002

Your Signature:

Robert Jebraun

Complete Address:

513 8TH AVE, LANGDON, ND 58249

1. The assessment should include statements recognizing land rights, mineral rights and water rights and show a plan of how those rights will be upheld.

☒ I Agree

☐ I Disagree

☐ I Don't Know

81

2. There should be a full environmental assessment of the proposed mini-test or of a full-test before either procedure is carried out.

☒ I Agree

☐ I Disagree

☐ I Don't Know

82

3. The assessment should include a plan for compensation, mitigation, repair or replacement of any agriculture-related operations if any type of damage is incurred.

☒ I Agree

☐ I Disagree

☐ I Don't Know

83

4. The assessment should include compensation for revenue lost because electrical generation was interrupted due to Corps induced flood or drought.

☒ I Agree

☐ I Disagree

☐ I Don't Know

84

5. The assessment should include a plan to handle the increased silt deposit, which will likely increase under this proposal, thereby causing additional flooding.

☒ I Agree

☐ I Disagree

☐ I Don't Know

85

6. The plan should recognize the normal spring rise of the Yellowstone River or other tributaries which join the Missouri River and indicate how the Corps intends to handle this annual event.

☒ I Agree

☐ I Disagree

☐ I Don't Know

86

7. The assessment should address the Corps' plan for handling any increase in suspended particulates, metals and chemicals if turbidity is increased by this plan.

☒ I Agree

☐ I Disagree

☐ I Don't Know

87

8. The assessment should include a plan for non-endangered species which may be threatened as a result of man-made flooding.

☒ I Agree

☐ I Disagree

☐ I Don't Know

88

81 No adverse taking of property rights is foreseen as a result of the mini test. The level of flow proposed is within the normal range of flow on the reach and historically is met or exceeded on the average of every 2 or 3 years.

82 Full assessments of the environmental impacts of the mini test have been completed. The Fort Peck Flow Modification Mini Test Environmental Assessment provides National Environmental Policy Act (NEPA) coverage for the mini test. Appropriate NEPA documentation and coordination with the public will be accomplished under separate processes for any future actions.

83 See responses to comments 48 and 58.

84 Western Area Power Administration has no avenue for reimbursing customers for lost or reduced generation. The amount of reduced hydropower generation during the mini test would be insignificant compared to the daily generation in the upper midwestern region, and the effect of additional energy purchases on rates would be negligible.

85 Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows; therefore, the erosion/deposition patterns would be similar. Although, an increase in suspended sediment can be calculated it is within the error band of the measurements and is not considered a significant contributor to either the alluvial processes or water quality.

86 Actual and forecasted Missouri and Yellowstone River flows will be closely monitored before any increase in releases is made for the mini test. The Corps of Engineers has a "stop protocol" for termination of mini test releases if flooding is imminent.

87 Increases in turbidity are not anticipated during the mini test. Turbidity monitoring would be conducted to verify this.

88 The EA did consider the effects of the mini test on non-endangered species and their habitats. The mini test is within the range of lake and river elevation fluctuation already being experienced by species within the lake and the river. Wetland and cottonwood habitats were specifically addressed, as well as lake and river fisheries.

Continued on back

9. The assessment should include a plan to protect or minimize damage to pump sites or other water intakes along the river for both private landowners and community water systems and the projected cost.

☒ I Agree

☐ I Disagree

☐ I Don't Know

89

10. Upstream landowners and states, who have given up land in order to provide flood protection, energy generation and irrigation, should at least receive equal treatment as downstream landowners and states whenever the Corps considers policy changes.

☒ I Agree

☐ I Disagree

☐ I Don't Know

90

OTHER COMMENTS:

FORT PECK MINI TEST COMMENT RESPONSES

(continued)

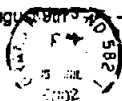
89 The Missouri River between Fort Peck Dam, Montana, and Gavins Point Dam, South Dakota and Nebraska, project was authorized by Section 33 of the Water Resources Development Act (WRDA) of 1988 (Public Law 100-676). In this authorization the Secretary of the Army is directed to undertake such measures, including maintenance and rehabilitation of existing structures, acquisition of real property and associated improvements (from willing sellers), and monetary compensation to affected landowners which the Secretary determines are needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River. In lieu of structural measures, the Secretary may acquire interests in the affected areas from willing sellers.

The Section 33 authority also considers water intake relocation as a means of alleviating bank erosion and related problems associated with reservoir releases. The intake must be evaluated comparing the cost of acquiring an interest in the affected areas to the cost of water intake relocation. In some cases, it may cost less to use conventional structural methods to correct the problem. In those cases, conventional structures would be designed and built by the Corps.

Little damage is anticipated beyond that resulting during normal high flows experienced on the average of every 2 to 3 years. However, the above referenced legislation provides the Corps with adequate authority to meet any problems that might arise unexpectedly.

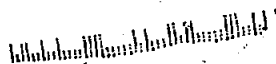
90 Although the physical condition at different sites may result in different approaches both upstream and downstream, landowners are treated the same.

-----Fold in half, tape closed and mail by August 1982



US Army Corps of Engineers, Omaha District
CENWO-PM-AE / Rebecca Latka
106 South 15th Street
Omaha NE 68102-1618

68102#1618



4/3/2 Amy Beckyl
It is VERY important that the Corps of Engineers hear from you. You must comment on the "Draft Environmental Assessment Fort Peck Flow Modification Mini-Test. The deadline for comments is August 9, 2002.

These are samples of comments given by concerned individuals. Comments given by you must be hand written by you and signed. Please feel free to use these examples and add your own as there are several issues involved.

The assessment does not address an environmental impact statement for the mini or full test for this section of the Missouri River.	91
The assessment does not address means of compensation for the mini test, full test, or a continued modification for the Missouri River.	92
The assessment does not show a plan for compensation, mitigation, repair or replacement of any agriculture related operations.	93
The assessment does not compensate for the lost revenue generated for electricity each time there is flooding or drying of the Missouri River.	94
The assessment does not allow for non endangered species in the path of the water that could become threatened as a result of the flooding.	95
The assessment does not show a plan to protect any pump sites, water intakes along the river for landowners or community municipal water projects.	96
The assessment does not show a plan for the confluence of the Missouri and Yellowstone Rivers where there is an existing silt deposit that will increase, causing additional flooding.	97
There is no plan allowing for the spring rise of the Yellowstone River joining the Missouri River or other tributaries into the Missouri River.	98
The assessment does not address the increase in suspended chemicals and metals and particulates due to increased turbidity nor a plan to handle this increase.	99

Makes Comments Here or Use a Separate Sheet of Paper.

Stop The Flooding or Fix all DAMAGE done & pay
for each Pump site + Land Covered in - Do Environmental
Statement of Ft Peck
Nestor Mondak

100

Merle Hardy
R2 Box 2272
Fairview MT 59221

Please fold and mail.

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 91 Full assessments of the environmental impacts of the mini test have been completed. The Fort Peck Flow Modification Mini Test Environmental Assessment provides National Environmental Policy Act (NEPA) coverage for the mini test. Appropriate NEPA documentation and coordination with the public will be accomplished under separate processes for future actions.
- 92 See responses to comments 48 and 58.
- 93 See responses to comments 48 and 58.
- 94 See response to comment 55.
- 95 See response to comment 88.
- 96 See response to comments 58 and 89.
- 97 Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives, and therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the Current Water Control Plan.
- 98 See response to comment 86.
- 99 Increases in turbidity are not anticipated during the mini test. Turbidity monitoring would be conducted to verify this.
- 100 Comment noted.

P.O. Box 410
Culbertson, Montana 59218
May 6, 2002

U.S. Army Corps of Engineers, Omaha District
CENWO-PM-AE/REBECCA LATKA
106 South 15th Street
Omaha, NE 68102-1618

Re: Mini Flow Test on the Upper Missouri River.

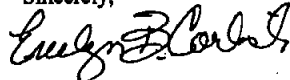
Dear Rebecca,

I am requesting an extension the comment period for the following reasons:

1. Richland County residents were excluded from notification and our farm is in Richland County.
2. We need time to analyze the document.
3. We're unable to understand how these tests are to improve the situation of an endangered species in one remote area of rural America but not on any other stretch of the river.
4. We're unable to comprehend why an endangered species such as the paddlefish can be legally harvested and the proceeds from caviar sales be given to neighboring communities. Yet the landowners and the holders of the water rights are being forced to give up property rights on the major flow without being compensated.
5. Why can a bureaucracy promote their business at the expense of others and disguise the whole process as protection of an endangered species?
6. Shouldn't all fishing and leisure floating of the Missouri River be halted to protect all of the endangered species?

Please extend the comment period for at least 90 days.

Sincerely,



FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 101 Press release information was sent to media outlets in Wolf Point, MT and in Williston, ND, which are two larger cities on either side of Richland County. We also had many Richland County residents on our original mailing list and have been adding names as they were forwarded to us for inclusion.
- 102 As requested, the comment period was extended by 90 days.

The mini test is one part of a much larger effort being conducted by the Corps of Engineers along the Missouri River.

Many individual actions throughout the nation are needed in order to recover the pallid sturgeon.

The paddlefish is not an endangered species, which is why it can be legally harvested.

Protection of endangered species is a national law supported by the people, acting through their elected officials.

Leisure floating would not affect endangered species. Fishing actions that follow state regulations would not affect endangered species.

101

102

Becky L

I, along with others of the Fort Peck area, strongly object to a flexible flow management plan for the Missouri River, including the Mini Test, implementation of the Master Manual and any other man-made floods on the river. Following are some reasons why:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1. Flexible flow means catastrophic flooding, washed out pump sites, loss of land sloughed off into the river, and loss of the mineral rights on those lands. | 103 |
| 2. The proposed 25,000 CFS for a month or more is billions of gallons of wasted water. This is a criminal waste in the dry areas of the Missouri watershed. | 104 |
| 3. The economic impact of flooding and then drying up the river will be catastrophic to farmers, ranchers, barge owners, businesses and cities along the Missouri. | 105 |
| 4. The EPA is violating it's own regulations by flooding the nesting sites of endangered birds. The plan to gather the eggs of the birds, hatch them and then return them to the wild makes no sense at all, especially given the fact that with very small expense, existing fish hatcheries can adequately take care of the problem with the endangered fish. | 106 |
| 5. The Fort Peck Dam has been a multiple use dam for the past 68 years. We strongly object to the proposed changes that would sacrifice agriculture, commerce, energy production, cities and recreation. | 107 |
| 6. Once water is released from the dam it cannot be controlled. Existing flooding will be made worse by summer storms along the watershed. | 108 |
| 7. The Missouri/Yellowstone confluence area will be adversely impacted as flexible flow will exacerbate an already severe silting problem. | 109 |
| 8. Economic, Environmental and Social Impact Studies need to be done before any decisions are made. | 110 |
| 9. Any plan needs to include compensation to property owners along the river. | 111 |
| 10. This is an area of "Family Farms" - another endangered species in need of protection. Don't wash the land away. | 112 |
| 11. There is no sound scientific research which indicates that flexible flow will accomplish the purpose for which it is being done. It is a bad idea. | 113 |
| 12. We are true environmentalists. We love this land, we live on this land, and we want to make certain that it is preserved for future generations, intact with birds, fish, animals and people. | 114 |

Name: Ray Hansen Address: 4333 Mt. Hwy 13 Wolf Point, Montana 59201

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 103 | The wetting and drying of the banks will be no more than that which occurs under existing operations. Further, the peak flows are within the range of flows that could be expected from normal operations. Therefore, it is reasonable to assume that the mini test would not affect the long-term erosion rates. |
| 104 | The mini test would require a spillway discharge of 11,000 cubic feet per second. The remaining 4,000 cubic feet per second would be discharged through the powerhouse. The water would flow into Lake Sakakawea, where it can be controlled for use within the Missouri River mainstem system for purposes, such as hydropower production; industrial, municipal and agricultural water supply; irrigation, recreation, navigation, and fish and wildlife. To the extent it will be lost to the Fort Peck project will not greatly affect water users. |
| 105 | The mini test does not include a proposal for flooding or drying up the Missouri River. It is simply testing the effect of different Fort Peck Dam release regimes on water temperatures, thereby improving the suitability of the river below Fort Peck Dam as habitat for the endangered pallid sturgeon. The proposed test flow of 15,000 cubic feet per second is currently experienced in the test reach every 2 or 3 years without major harm to area farmers, ranchers, businesses and cities along the river. To the extent water would be spilled from Fort Peck Dam, it will be recaptured at Garrison Dam and available for down stream uses. In the event of the threat of flooding due to high flows from tributaries of the test reach (streams below Fort Peck, but above Lake Sakakawea), the test will be curtailed. |
| 106 | See response to comment 72. |
| 107 | The Fort Peck Dam Project is still a multiple use project. The actions being taken continue to support all project purposes. |
| 108 | Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives; therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the CWCP. The flows in the mini test are no higher than under normal operations and are not expected to cause flooding. Downstream inflow would be monitored and the test suspended if downstream inflows increase the threat of flooding. |
| 109 | Assessment of the flow duration data for Fort Peck Dam indicates very little change in the overall distribution of flows for all the alternatives; therefore, long-term channel conditions below Fort Peck Dam are considered to be similar to those associated with the Current Water Control Plan. |

Becky L

I, along with others of the Fort Peck area, **strongly object** to a flexible flow management plan for the Missouri River, including the Mini Test, implementation of the Master Manual and any other man-made floods on the river. Following are some reasons why:

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12. We are true environmentalists. We love this land, we live on this land, and we want to make certain that it is preserved for future generations, intact with birds, fish, animals and people. | 114

Name: Ray Johnson

Address: 4333 Mt. Hwy 13 Wolf Point, Montana 59201

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

- 110 The purpose of the EA is to consider relevant impacts to the human environment and to provide a mechanism for their consideration in the decision-making process. The EA primarily addresses the natural environment because those are resources most likely to be impacted. The study reach of river is already subjected to periodic flows of the proposed magnitude every 2 to 3 years. Indirect impacts to area residents and to the economy would be the result of direct impacts to activities generating economic activity; namely agricultural production and recreation. Since no unusual impacts to these factors are anticipated, no significant social or economic impacts are likely.
- 111 See responses to comments 48 and 58.
- 112 Comment noted.
- 113 Since higher, warmer spring flows existed prior to the closure of Fort Peck Dam and have been replaced by colder fairly static flows, the link between warm flows and spawning is a logical hypothesis worth testing.
- 114 The proposed approach is a compromise approach in which the flows are not as large as historically present and are for a shorter duration. Many people would support some changes in flows and some inconvenience if needed to preserve our natural heritage as long as there is in place a good monitoring program to detect if such changes were working or not.

PO Box 410
Culbertson, Mont. 59218
April 19, 2002

FORT PECK MINI TEST COMMENT RESPONSES
(continued)

115 See response to comments 77 and 99.

US Army Corps of Engineers, Omaha District
Attn: Ms. Rebecca J. Latka
106 S. 15th St. Omaha
Nebraska 68102-1618

Re: Proposed Mini Test on Missouri River below Fort Peck Dam.


Dear Ms. Latka:

Of the issues involved with the mini-flow test below the Fort Peck Dam in Montana, the proponents and opponents of the proposition have more in common than they have in disagreement. We would all agree that if there were a fishery problem, that it is caused by the construction of the dam and not the individual landowners living along the river. In this case the Fort Peck Dam's very existence environmentally affects a specific population of fish and therefore becomes Montana's environmental version of the leaking "Exxon Valdez". How should we all proceed?

As in every other environmental issue, the government agencies always have taken a look at the problem involved and identified the individual responsible for the environmental problem. It has always been the responsibility of the individual who caused the problem to resolve the issue both physically and financially. In this case it should be the Corps of Engineers that accepts these responsibilities. This is the issue that separates the individual Montana landowners and farmers from the Corps of engineers and environmentalists.

If the flow tests are conducted in June, these tests will interfere with the property rights and water rights of individual farmers. A recent study of some 140 irrigation-pump sites shows that 90 of them will be impacted negatively. This means that pumps and pump sites may have to be moved and modified. Of the remaining 60 pump sites, many of them will have to move pumps, electrical boxes, pipe lines, meter poles, and fuel tanks away from the bank. During this period of time most of these same farms will be unable to irrigate, and incur additional costs. Farmers can't afford to receive 1930 prices for their commodities and assume the extravagant remedies of environmental issues as suggested by others. These hidden costs have to be addressed by the Corps.

Montana citizens can ill afford the costs to be incurred by this test. Let the Army Corps of Engineers and the environmentalists vote on this issue with their own checkbooks!

Sincerely,

James D. Carlisle

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